## REMARKS

The Applicant sincerely appreciates the thorough examination of the present application as evidenced by the current Office Action of August 18, 2009 (the Office Action), as well as the previous Office Actions of March 3, 2009, September 17, 2008, and February 21, 2008. In particular, the Applicant appreciates the Examiner's indication that all rejections from the previous Office Actions of March 3, 2009, September 17, 2008, and February 21, 2008, have been overcome, including rejections based on U.S. Patent No. 6,724,876 to Williams et al., U.S. Patent No. 6,072,857 to Venkateshwaran et al., and U.S. Patent No. 6,292,551 to Entman et al. In the following remarks, the Applicant will show that all claims are also patentable over newly cited U.S. Patent No. 5,943,409 to Malik.

By this Amendment, the Applicant has: amended Claim 1 to correct a minor informality; amended Claim 4 to include all recitations of Claims 5 and 6; canceled Claims 5 and 6; amended Claims 11, 17, and 33 to provide clarification thereof; amended Claims 12 and 34 to include all recitations of Claims 13 and 35 respectively; amended Claim 14 to depend from Claim 12; amended Claim 36 to depend from Claim 34; canceled Claims 13 and 35; amended Claim 48 to include recitations similar to those of Claim 13; amended Claim 26 to include all recitations of Claims 27 and 28; canceled Claims 27 and 28; and amended Claim 47 to depend from Claim 46.

For at least the reasons discussed below, the Applicant respectfully submits that all claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course.

### The Rejections

The Office Action rejected all pending claims under 35 U.S.C. Sec. 102(b) as being anticipated by U.S. Patent No. 5,943,409 to Malik (Malik). In particular, the Office Action states that:

> With respect to Claims 1-2, 4-24 and 26-55, note Col. 3, lines 14-30, Col. 4, line 49-Col. 5, line 28, Col. 7, line 38-Col. 8, line 13, Col. 8, lines 27-34 and Col. 8, line 61-Col. 9, line 40.

Office Action, page 2.

A finding of anticipation requires that there must be no difference between the claimed invention and the disclosure of the cited reference as viewed by one of ordinary skill in the art. *See Scripps Clinic & Research Foundation v. Genentech Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). In particular, the Court of Appeals for the Federal Circuit held that a finding of anticipation requires absolute identity for each and every element set forth in the claimed invention. *See Trintec Indus. Inc. v. Top-U.S.A. Corp.*, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002). More recently, the Court of Appeals for the Federal Circuit held that:

> unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. Sec. 102.

*Net Moneyin, Inc. v. Verisign, Inc.*, slip opinion, pages 17-18, (Fed. Cir., Oct. 20, 2008).

In the following remarks, the Applicant will show that Malik fails to disclose or even suggest all elements of the claims. Accordingly, the Applicant submits that all claims are patentable over Malik. If the Examiner should maintain any rejections based on Malik, the Applicant respectfully requests that the Examiner clarify his interpretation of Malik and identify the particular elements thereof that the Examiner believes corresponds to each of the elements of the claims presented herein.

**Claims 1, 23, And 45 Are Patentable Over Malik**

Claim 1, for example, recites a method of operating a communication network, the method comprising:

> receiving a call initiating communication from an initiating device at a network administration application, the call initiating communication including an identification of the initiating device and an identification of the network administration application;
>
> obtaining an identification of a target device for which action is being requested by the initiating device; and
>
> forwarding the call initiating communication as a command communication from the network administration application to a switch for a subscriber line providing service for the target device, the command communication including the identification

of the initiating device, the identification of the target device, and a code identifying the action being requested by the command communication.

Claim 1 thus recites a call initiating communication that is received at a network administration and then forwarded from the network administration application as a command communication (including an identification of the initiating device, an identification of the target device, and a code identifying an action being requested by the command communication).

Assuming only for the sake of argument that Malik's service circuit node 55 is a network administration application, Malik discusses routing an ISUP message (including recall-related information) to an external network element, such as service circuit node 55. *See*, Malik, col. 7, lines 46-49. Malik then states that: "The external network element may use the automatic recall-related information to perform enhanced services in a conventional manner...." Malik, col. 7, lines 66-67. More particularly, Malik discusses the external network element using recall-related information to: provide the called party with a voice enunciation of the calling party's name (Malik, col. 8, lines 2-3); send a voicemail message to the last incoming caller (Malik, col. 8, lines 19-20); call the called party when the when the directory number of the last incoming caller is no longer busy (Malik, col. 8, lines 22-23). Malik, however, fails to disclose or suggest its external network element forwarding its ISUP message (including recall-related information) as a command communication including a code identifying an action being requested by the command communication.

Accordingly, the Applicant submits that Malik fails to disclose or suggest all elements of Claim 1 and that Claim 1 is thus patentable. In addition, Claims 23 and 45 are patentable for reasons similar to those discussed above with respect to Claim 1. Moreover, dependent Claims 2, 4, 7-11, 24, 26-33, 46-47, and 50-45 are patentable at least as per the patentability of Claims 1, 23, and 45 from which they depend.

**Claims 12, 34, And 48 Are Patentable**

Claim 12, for example, recites a method of operating a communication network, the method comprising:

> receiving a command communication as a call initiating communication at a switch for a target device, the command communication including an identification of an initiating device, an identification of the target device, and a code identifying an action relating to service for the target device;
>
> forwarding the command communication from the switch for the target device to a network administration application corresponding to the switch for the target device; and
>
> initiating action at the network administration application relating to service for the target device according to the code included in the command communication;
>
> wherein initiating action comprises transmitting a response communication, the response communication including the identification of the initiating device and a code identifying a status of service for the target device.

Assuming only for the sake of argument that Malik's service circuit node 55 is a network administration application, Malik states that: "The external network element may use the automatic recall-related information to perform enhanced services in a conventional manner...." Malik, col. 7, lines 66-67. More particularly, Malik discusses the external network element using recall-related information to: provide the called party with a voice enunciation of the calling party's name (Malik, col. 8, lines 2-3); send a voicemail message to the last incoming caller (Malik, col. 8, lines 19-20); call the called party when the when the directory number of the last incoming caller is no longer busy (Malik, col. 8, lines 22-23). Malik, however, fails to disclose or suggest its external network element transmitting a response communication including a code, much less a code identifying a status of service for a target device. To the extent that Malik's Open Route Directory Number (ORDN) is interpreted as a code, Malik's ORDN is included in a message received by the external network element (not transmitted from the external network element), and Malik's ORDN does not identify a status of service for a target device.

Accordingly, the Applicant submits that Malik fails to disclose or suggest all elements of Claim 12 and that Claim 12 is thus patentable. In addition, Claims 34 and 48 are patentable for reasons similar to those discussed above with respect to Claim 12. Moreover, dependent Claims 14-22, 26-44, 49, and 53-55 are patentable at least as per the patentability of Claims 12, 34, and 48 from which they depend.

**Dependent Claims 11, 17, and 33 Are Patentable**

Dependent Claims 11, 17, and 33 are patentable at least as per the patentability of Claims 1, 12, and 23 from which they depend. Dependent Claim 11, for example, depends from Claims 1 and 9 and thus includes all recitations discussed above with respect to Claim 1. In addition, Claim 11 (including all recitations of Claim 9) recites:

> receiving the command communication at the switch for the subscriber line providing service for the target device; and
>
> responsive to receiving the command communication at the switch for the subscriber line providing service for the target device, initiating action relating to service for the target device according to the code included in the command communication ...
>
> wherein initiating action comprises changing a status of service for the target device according to the code included in the command communication.

Malik fails to disclose or suggest changing a status of service for a target device. In contrast, Malik discusses a method/system for providing automatic recall information. *See*, Malik, title. More particularly, Malik discusses

> A method for transferring automatic recall-related information from a switch to an external network element.

Malik, col. 1, lines 10-12. More particular, Malik discusses two terminating units 15a and 15b (illustrated as telephones) coupled over subscriber lines 20a and 20b. Assuming that the Office Action interprets one or the other of terminating units 15a or 15b as a target device, Malik fails to disclose or suggest changing a status of service for either of units 15a or 15b thereof. In contrast, Malik discusses retrieving recall-related information from ISUP message fields (Malik, col. 7, lines 62-63), and using recall-related information to perform enhanced services in a conventional manner (Malik, col. 7, lines 66-67). More particularly, Malik discusses using recall-related information to: provide the called party with a voice enunciation of the calling party's name (Malik, col. 8, lines 2-3); send a voicemail message to the last incoming caller (Malik, col. 8, lines 19-20); call the called party when the when the directory number of the last incoming caller is no longer busy (Malik, col. 8, lines 22-23).

Malik, however, fails to disclose or suggest changing a status of service for a target device, much less changing a status of service of the target device according to a code

included in a command communication. Accordingly, Malik does not disclose all elements of Claim 11, and Claim 11 is thus patentable. The Applicant further submits that dependent Claims 17 and 33 are also separately patentable for reasons similar to those discussed above with respect to Claim 11.

**Dependent Claims 4, 16, 28, 42, 47, 49, and 50-55 Are Separately Patentable**

Dependent Claims 4, 16, 28, 42, 47, 49, and 50-55 are patentable at least as per the patentability of Claims 1, 12, 23, 34, 45, and 48 from which they depend. Dependent Claim 50, for example depends from Claim 1 and thus includes all recitations discussed above with respect to Claim 1. In addition, Claim 50 recites: "wherein the code identifying the action relating to the target device is included in a redirecting party field of the command communication." As set forth in Claim 1 (the recitations of which are included in dependent Claim 50), the command communication is forwarded from a network administration application.

Assuming only for the sake of argument that Malik's service circuit node 55 is interpreted as a network administration application, Malik fails to disclose or suggest forwarding a command communication from the service circuit node 55. Malik further fails to disclose or suggest forwarding a communication from service circuit node 55 where a code identifying an action relating to a target device is included in a redirecting party ISUP parameter field of the command communication. To the extent that Malik's ORDN is interpreted as a code (*see*, Malik, col. 9, lines 1-5), Malik's ORDN is included in an ISUP message that is routed to an external network element (i.e., service circuit node 55), not forwarded from service circuit node 55. Moreover, Malik's ORDN is included in an original called party field (*see*, Malik, col. 7, lines 6-7), not a redirecting party parameter field. Accordingly, Malik fails to disclose or suggest a command communication forwarded from a network administration application and including a code identifying action being requested. Malik also fails to disclose or suggest a command communication including such a code identifying action in a redirecting party parameter filed.

The Applicant thus submits that Claim 50 is separately patentable over the cited art.

The Applicant further submits that Claims 4, 16, 26, 42, 47, 49, and 51-55 are separately patentable for reason similar to those discussed above with respect to Claim 50.

## CONCLUSION

Accordingly, the Applicant submits that all pending claims in the present application are in condition for allowance, and a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact the undersigned attorney by telephone should any additional issues need to be addressed.

Respectfully submitted,

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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on November 18, 2009.

Tracy Wallace